

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding, and I say to the gentleman I certainly agree with what it is that he's attempting to do, but it is subject to a point of order. But I can assure the gentleman that during the conference that we will address this very important issue.

Mr. CASTLE. I thank the gentleman from Florida.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I agree with the gentleman. The gentleman's got an important point, and we will certainly consider it in conference.

Mr. CASTLE. Mr. Chairman, I thank both the distinguished gentlemen for their points.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Delaware?

There was no objection.

AMENDMENT NO. 6 OFFERED BY MR. WALBERG

Mr. WALBERG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. WALBERG: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to award a grant or contract based on the race, ethnicity, or sex of the grant applicant or prospective contractor.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. WALBERG) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. WALBERG. Mr. Chairman, I rise today to offer an amendment to the Department of Defense appropriations bill that is straightforward, as the amendment simply states this: "None of the funds made available in this Act may be used to award a grant or contract based on the race, ethnicity, or sex of the grant applicant or prospective contractor."

I was glad a similar amendment passed unanimously last week on the Transportation, Housing and Urban Development appropriations bill, with the acceptance of the Chairman of Appropriations.

Government contracts and grants should be awarded on the basis of work, quality and cost, and all firms should have an equal opportunity to compete for taxpayer-funded projects.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I appreciate what the gentleman's doing, but this cuts out all the minority contracts which have been so valuable and so important to the defense industry in saving money.

I oppose the amendment.

Mr. WALBERG. Mr. Chairman, I appreciate the concern of the chairman. However, it is a fact that this cuts out none of the minority contractors, small business contractors. They still have the great number of programs that they can use in the process of contracting.

Throughout the government, contracts and grants are awarded with preference given on the basis of race, sex and ethnicity instead of on the basis of work, craftsmanship and cost.

Though this policy may be motivated by good intentions, I agree with Justice Clarence Thomas about preferences in government contracting based on race, sex, and ethnicity when he stated, "The paternalism that appears to lie at the heart of this program is at war with the principle of inherent equality that underlies and infuses our Constitution," as well as, I might add, the quality of our armed services.

The Federal Government continues to engage in these preferences via set-asides to contractors.

Last fall, in my home State, Michiganders voted overwhelmingly, 58 percent to 42 percent, in favor of amending our State Constitution to outlaw racial preferences in public education, employment and contracting.

Like my constituents in south-central Michigan, I oppose any and all forms of discrimination, but I also support nondiscrimination, the practice or policy of refraining from discrimination.

Once again, the Federal Government is behind State governments in creating equal opportunity for all Americans, as Michigan followed California and Washington banning discrimination in education, contracting and hiring.

My support of nondiscrimination compels me to continue working against discrimination in government policies because every American deserves equal treatment when competing for business contracts, and our Federal Government should treat all applicants for such contracts on an equal basis.

This amendment would require the Department of Defense to make contracting decisions based on the quality of work of a firm, the cost, and equality among firms. It should be noted that this amendment has no impact on programs directed at small business operated by veterans and those with disabilities.

I believe this commonsense amendment will help ensure that all American businesses and individuals competing for public work projects are

given a fair, nondiscriminatory opportunity, and I urge its adoption.

Mr. Chairman, I yield back my time. Mr. MURTHA. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. WALBERG).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WALBERG. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

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AMENDMENT NO. 18 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act under the heading "Research, Development, Test and Evaluation, Army" may be used for the Paint Shield for Protecting People from Microbial Threats.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, this is an earmark ostensibly for a "Paint Shield for Protecting People Against Microbial Threats" for \$2 million. Apparently this \$2 million will be going to the Sherwin-Williams paint company in Cleveland, Ohio.

I actually have a couple of questions either for the sponsor of the earmark or for the chairman of the committee.

I guess my first question would be, and I am happy to yield to whomever would like to answer it, is this something that military leadership has asked for?

Mr. MURTHA. This is a very worthwhile project. Let me say to the gentleman, you see the number of hearings we have had, and the number of earmarks. Our staff went over every one of these earmarks very carefully.

It's not on our highest priority list, but I'm sure that the military is interested in this kind of research, because it's so important to the military.

Mr. CAMPBELL of California. If I may inquire further, Mr. Chairman, you said you are sure the military, so you are not aware if, in fact, the military has asked for this kind of technology? I guess the answer to that is no.

The next question I would have is what investigations have been done to determine that this technology could actually even be effective.